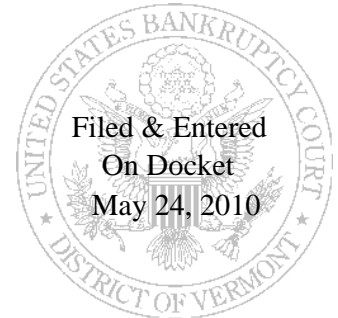


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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**



In re:

Michael F. Montagne,  
Debtor.

Chapter 12 Case  
# 08-10916

Bourdeau Brothers, Inc.,

Plaintiff,

v.

Michael F. Montagne, Diane Montagne,  
and Montagne Heifers, Inc.,  
Defendants.

Adversary Proceeding  
# 08-1024

*Appearances: James W. Spink, Esq.  
Mary N. Peterson, Esq.  
George E. Spear, II, Esq.  
For Bourdeau Brothers, Inc.*

*John R. Harrington, Esq.  
For Michael F. Montagne*

*Lisa Chalidze, Esq.  
For Diane Montagne*

*Tavian M. Mayer, Esq.  
For the Chapter 12 Trustee*

**ORDER**

**GRANTING JUDGMENT IN FAVOR OF PLAINTIFF BOURDEAU BROTHERS, INC.  
AGAINST DEFENDANTS MICHAEL F. MONTAGNE AND DIANE MONTAGNE,  
DENYING JUDGMENT AGAINST DEFENDANT MONTAGNE HEIFERS, INC.,  
OVERRULING OBJECTIONS TO CLAIM, AND DENYING MOTION TO DISMISS**

For the reasons set forth in the memorandum of decision of even date, IT IS HEREBY ORDERED that judgment in favor of BBI is GRANTED against Michael Montagne and Diane Montagne on BBI's claim for recovery on the four open accounts, judgment is DENIED against MHI, judgment is DENIED on BBI's claim for unjust enrichment, the objections to Claim # 23 are OVERRULED, and the motion to dismiss is DENIED, as follows:

Judgment in favor of BBI is GRANTED against Michael Montagne and Diane Montagne on BBI's claim for recovery on the four open accounts, for which amounts due Michael Montagne and Diane Montagne shall be held jointly and severally liable.

Judgment in favor of BBI is GRANTED against Michael Montagne in the principal amount of \$27,315.89, plus interest at the rate of 18% per annum from the inception of Account # 205 until May 30, 2004, and at the rate of 9% per annum from May 31, 2004, through the date that Michael Montagne filed his bankruptcy petition in this case. Judgment in favor of BBI is GRANTED against Diane Montagne in the principal amount of \$27,315.89, plus interest at the rate of 18% per annum from the inception of Account # 205 until May 30, 2004, and at the rate of 9% per annum from May 31, 2004, through the date of the entry of judgment.

Judgment in favor of BBI is GRANTED against Michael Montagne in the principal amount of \$73,160.60, plus interest at the rate of 18% per annum from the inception of Account # 204 through the date that Michael Montagne filed his bankruptcy petition in this case. Judgment in favor of BBI is GRANTED against Diane Montagne in the principal amount of \$73,160.60, plus interest at the rate of 18% per annum from the inception of Account # 204 through the date of entry of judgment.

Judgment in favor of BBI is GRANTED against Michael Montagne in the principal amount of \$568,442.33, plus interest at the rate of 12% per annum from the inception of Account # 203 through the date that Michael Montagne filed his bankruptcy petition in this case. Judgment in favor of BBI is GRANTED against Diane Montagne in the principal amount of \$568,442.33, plus interest at the rate of 12% per annum from the inception of Account # 203 through the date of entry of judgment.

Judgment in favor of BBI is GRANTED against Michael Montagne and Diane Montagne in the principal amount of \$78,630.56 (inclusive of principal and interest) due on the Fertilizer Account, as the parties have agreed by stipulation.

Judgment in favor of BBI is DENIED against MHI.

Judgment in favor of BBI is DENIED on BBI's claim for unjust enrichment.

The Trustee and Michael Montagne's objections to Claim # 23 are OVERRULED. BBI's Claim # 23 shall be ALLOWED in an amount consistent with this Court's memorandum of decision and order.

Diane Montagne's motion to dismiss is DENIED.

BBI shall file a judgment consistent with this Order.

SO ORDERED.

May 24, 2010  
Burlington, Vermont

  
Colleen A. Brown  
United States Bankruptcy Judge